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09/784,936	02/16/2001	Robert A. Morris	P-1758	4303

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Charles J. Prescott
Suite 115
2033 Wood Street
Sarasota, FL 34237

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,936

Applicant(s)

MORRIS, ROBERT A.

Examiner

Geoffrey Akers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Action on Election/Restrictions

1. This action is issued in reply to applicant's Restriction Election filed 5/19/04.
2. Claims 1-7 and 10-15 were elected drawn to the system and method in Group 1.
3. Claims 1-7 and 10-15 are pending.

Claim Rejections - 35 USC § 103

4. Claims 1-7, 10-15 are rejected under 35 USC 103(a) as unpatentable over Herschkorn(US Pat. No: 6,691,094) in view of Fraser(US Pat. No: 5,995,947).

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5. As per claim 1 Herschkorn teaches a central computer assisted method for facilitating a sale of debt accounts between a seller and one or more potential buyers by a central computer system into which the seller and buyer have remote access(Abstract)(col 4 line 63-col 6 line 45).Herschkorn teaches creating a computer readable database by the seller comprising data pertaining to a plurality of debt accounts being offered by the seller where each debt account including a plurality of data fields is in standardized format established by the computer system(Fig 1/101). Herschkorn further teaches grouping the debt accounts into at least one lot based at least on one criterion determined by the seller(Fig 2/44). Herschkorn further teaches advising each potential buyer of the availability of each debt account offering for the sale by the seller(Fig 2/24/42/54) and receiving one or more purchase offers for one or more lots from the potential buyers(Fig 2/40)(Fig 3) as well as communicating the purchase offers to the seller(Fig 4B/211).Herschkorn also teaches receiving from the seller an acceptance of

the purchase offer whereby a purchase contract is formed between the seller and buyer(Fig 2/39). In addition to that taught by Herschkorn, Fraser teaches receiving a counteroffer from the seller modifying the purchase(col 11 line 45) and receiving a rejection from the purchase offer(col 11 lines 46-50) as well as transaction completion and transference of value and associated fees(col 14 lines 49-53). It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

6. As per claim 2 Herschkorn teaches regrouping unsold lot into one or more new lots conforming to a new purchase offer by the seller(Fig 4C/219/223/220).

7. As per claim 3 Herschkorn teaches a method for facilitating a sale of debt accounts between a seller and one or more potential buyers by a central computer system into which the seller and buyer have remote access(Abstract)(col 4 line 63-col 6 line 45).Herschkorn teaches creating a computer readable database by the seller comprising data pertaining to a plurality of debt accounts being offered by the seller where each debt account including a plurality of data fields is in standardized format established by the computer system(Fig 1/101). Herschkorn further teaches grouping the debt accounts into at least one lot based at least on one criterion determined by the seller(Fig 2/44). Herschkorn further teaches an available purse for the buyers(Fig 5)(Fig 6A/309). Herschkorn further teaches advising each potential buyer of the availability of each debt account offering for the sale by the seller(Fig 2/24/42/54) and receiving one

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or more purchase offers for one or more lots from the potential buyers(Fig 2/40)(Fig 3) as well as communicating the purchase offers to the seller(Fig 4B/211).Herschkorn also teaches receiving from the seller an acceptance of the purchase offer whereby a purchase contract is formed between the seller and buyer(Fig 2/39). In addition to that taught by Herschkorn, Fraser teaches receiving a counteroffer from the seller modifying the purchase(col 11 line 45) and receiving a rejection from the purchase offer(col 11 lines 46-50) as well as transaction completion and transference of value and associated fees(col 14 lines 49-53). It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

8. As per claim 4 Herschkorn teaches a central computer assisted method for facilitating a sale of debt accounts between a seller and one or more potential buyers by a central computer system into which the seller and buyer have remote access(Abstract)(col 4 line 63-col 6 line 45).Herschkorn teaches creating a computer readable database by the seller comprising data pertaining to a plurality of debt accounts being offered by the seller where each debt account including a plurality of data fields is in standardized format established by the computer system(Fig 1/101). Herschkorn further teaches grouping the debt accounts into at least one lot based at least on one criterion determined by the seller(Fig 2/44). Herschkorn further teaches advising each potential buyer of the availability of each debt account offering for the sale by the seller(Fig

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2/24/42/54) and receiving one or more purchase offers for one or more lots from the potential buyers(Fig 2/40)(Fig 3) as well as communicating the purchase offers to the seller(Fig 4B/211) as well as searching the lots for relevant buyer information(Fig 5)(.Hersch Korn also teaches receiving from the seller an acceptance of the purchase offer whereby a purchase contract is formed between the seller and buyer(Fig 2/39). In addition to that taught by Hersch Korn, Fraser teaches receiving a counteroffer from the seller modifying the purchase(col 11 line 45) and receiving a rejection from the purchase offer(col 11 lines 46-50) as well as transaction completion and transference of value and associated fees(col 14 lines 49-53). It would have been obvious to one skilled in the art at the time of the invention to combine Hersch Korn in view of Fraser to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

9. As per claim 5 Hersch Korn teaches a central computer assisted method for facilitating a sale of debt accounts between a seller and one or more potential buyers by a central computer system into which the seller and buyer have remote access(Abstract)(col 4 line 63-col 6 line 45).Hersch Korn teaches creating a computer readable database by the seller comprising data pertaining to a plurality of debt accounts being offered by the seller where each debt account including a plurality of data fields is in standardized format established by the computer system(Fig 1/101). Hersch Korn further teaches grouping the debt accounts into at least one lot based at least on one criterion determined by the seller(Fig 2/44). Hersch Korn further teaches advising each potential

buyer of the availability of each debt account offering for the sale by the seller(Fig 2/24/42/54) and receiving one or more purchase offers for one or more lots from the potential buyers(Fig 2/40)(Fig 3) as well as communicating the purchase offers to the seller(Fig 4B/211) as well as searching the lots for relevant buyer information(Fig 5).Herschorn also teaches receiving from the seller an acceptance of the purchase offer whereby a purchase contract is formed between the seller and buyer(Fig 2/39). In addition to that taught by Herschorn, Fraser teaches receiving a counteroffer from the seller modifying the purchase(col 11 line 45) and receiving a rejection from the purchase offer(col 11 lines 46-50) as well as transaction completion and transference of value and associated fees(col 14 lines 49-53). Fraser also teaches a memory storing data received from each seller identifying one of a plurality of items to be offered for sale(col 3 line 27-52). It would have been obvious to one skilled in the art at the time of the invention to combine Herschorn in view of Fraser to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

10. As per claim 6 Herschorn teaches a central computer assisted method for facilitating a sale of debt accounts between a seller and one or more potential buyers by a central computer system into which the seller and buyer have remote access(Abstract)(col 4 line 63-col 6 line 45).Herschorn teaches creating a computer readable database by the seller comprising data pertaining to a plurality of debt accounts being offered by the seller where each debt account including a plurality of

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data fields is in standardized format established by the computer system(Fig 1/101). Herschkorn further teaches grouping the debt accounts into at least one lot based at least on one criterion determined by the seller(Fig 2/44). Herschkorn further teaches advising each potential buyer of the availability of each debt account offering for the sale by the seller(Fig 2/24/42/54) and receiving one or more purchase offers for one or more lots from the potential buyers(Fig 2/40)(Fig 3) as well as communicating the purchase offers to the seller(Fig 4B/211) as well as searching the lots for relevant buyer information(Fig 5).Herschkorn also teaches receiving from the seller an acceptance of the purchase offer whereby a purchase contract is formed between the seller and buyer(Fig 2/39) and an available purse for the buyer(Fig 5)(Fig 6). In addition to that taught by Herschkorn, Fraser teaches receiving a counteroffer from the seller modifying the purchase(col 11 line 45) and receiving a rejection from the purchase offer(col 11 lines 46-50) as well as transaction completion and transference of value and associated fees(col 14 lines 49-53). It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

11.As per claim 7 Herschkorn teaches a central computer assisted method for facilitating a sale of debt accounts between a seller and one or more potential buyers by a central computer system into which the seller and buyer have remote access(Abstract)(col 4 line 63-col 6 line 45).Herschkorn teaches creating a computer

readable database by the seller comprising data pertaining to a plurality of debt accounts being offered by the seller where each debt account including a plurality of data fields is in standardized format established by the computer system(Fig 1/101). Herschkorn further teaches grouping the debt accounts into at least one lot based at least on one criterion determined by the seller(Fig 2/44). Herschkorn further teaches advising each potential buyer of the availability of each debt account offering for the sale by the seller(Fig 2/24/42/54) and receiving one or more purchase offers for one or more lots from the potential buyers(Fig 2/40)(Fig 3) as well as communicating the purchase offers to the seller(Fig 4B/211) as well as searching the lots for relevant buyer information(Fig 5)(.Herschkorn also teaches receiving from the seller an acceptance of the purchase offer whereby a purchase contract is formed between the seller and buyer(Fig 2/39). In addition to that taught by Herschkorn, Fraser teaches receiving a counteroffer from the seller modifying the purchase(col 11 line 45) and receiving a rejection from the purchase offer(col 11 lines 46-50) as well as transaction completion and transference of value and associated fees(col 14 lines 49-53). It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

12. As per claim 8 Herschkorn teaches a device for facilitating a sale of an item between a seller and one or more potential buyers by a central computer system into which the seller and buyer have remote access(Abstract)(col 4 line 63-col 6 line

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45).Herschkorn teaches creating a computer readable database by the seller comprising data pertaining to a plurality of debt accounts being offered by the seller where each debt account including a plurality of data fields is in standardized format established by the computer system(Fig 1/101). Herschkorn further teaches grouping the debt accounts into at least one lot based at least on one criterion determined by the seller(Fig 2/44). Herschkorn further teaches advising each potential buyer of the availability of each debt account offering for the sale by the seller(Fig 2/24/42/54) and receiving one or more purchase offers for one or more lots from the potential buyers(Fig 2/40)(Fig 3) as well as communicating the purchase offers to the seller(Fig 4B/211) as well as searching the lots for relevant buyer information(Fig 5)(.Herschkorn also teaches receiving from the seller an acceptance of the purchase offer whereby a purchase contract is formed between the seller and buyer(Fig 2/39). In addition to that taught by Herschkorn, Fraser teaches receiving a counteroffer from the seller modifying the purchase(col 11 line 45) and receiving a rejection from the purchase offer(col 11 lines 46-50) as well as transaction completion and transference of value and associated fees(col 14 lines 49-53). It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

13. As per claim 9 Herschkorn teaches a device as set forth in claim 8 to calculate a new balance for the party's limit(Fig 9) and rejection of those parties with inadequate

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holdings(Fig 9). Herschkorn teaches this for the seller with a minimum remaining position. It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser to teach the disclosure and to apply the remaining holdings to buyers rather than sellers. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

14. As per claim 10 Herschkorn teaches advising each potential buyer of the availability of each debt account offering for the sale by the seller(Fig 2/24/42/54) and receiving one or more purchase offers for one or more lots from the potential buyers(Fig 2/40)(Fig 3) as well as communicating the purchase offers to the seller(Fig 4B/211) as well as searching the lots for relevant buyer information(Fig 5).Herschkorn also teaches providing information of the debt offering(Fig 2/22/24) for each potential buyer designated by the seller to receive such information including type of debt accounts being offered(Fig 2/20) and debt originator(Fig 2/22) and account balances(Fig 2/52) and contract terms(Fig 2/26). It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

15. As per claim 11Herschkorn teaches a method as set forth in claim 1 further comprising downloading a predetermined level of sale offering detail to the potential

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buyer analysis of the underlying debt being offered for sale and contract terms(Fig 2/20).

16. As per claim 12 Herschkorn teaches a method as set forth in claim 1. Herschkorn does not specifically teach providing a search report to the seller prior to the designation of one or more lots to make up the sale offering where the search report assists the seller in establishing the lot content of each sale offering .Herschkorn does teach an analytics report to evaluate the debt offering to the buyers(Fig 10) for the lots contents(Fig 10/90). It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser and to apply these methods to the sellers also to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

17. As per claim 13 Herchkorn teaches a method as set forth in claim 3 comprising the step of downloading a predetermined level of sale offering detail to the potential buyer for analysis of the underlying debt asset being offered for sale and contract terms as authorized by the seller(Fig 2)(Fig 10).

18.As per claim 14 Herschkorn teaches a method as set forth in claim 3. Herschkorn does not specifically teach the step of providing a search report to the seller prior to the designation of one or more lots to make up the sale offering where the search report including debt sale market information to assist the seller in establishing the lot content of each sale offering. Herschkorn does teach an analytics report to evaluate the debt offering to the buyers(Fig 10) for the lots contents(Fig 10/90). It would have been

obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser and to apply these methods to the sellers also to teach the disclosure.

The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

19. As per claim 15, Herschkorn teaches a method as set forth in claim 4. Herschkorn does not specifically teach comprising the step of providing a search report to the seller prior to the designation of one or more lots to make up the sale offering where the search report includes debt sale market information to assist the seller in establishing the lot content of each sale offering. Herschkorn does teach an analytics report to evaluate the debt offering to the buyers(Fig 10) for the lots contents(Fig 10/90). It would have been obvious to one skilled in the art at the time of the invention to combine Herschkorn in view of Fraser and to apply these methods to the sellers also to teach the disclosure. The motivation to combine is to teach a method for trading loans(debt accounts) in real time and placing them up for bid by a plurality of buyers as enunciated by Fraser(col 2 lines 11-15).

rejection.

Conclusion

20. **THIS ACTION IS MADE NON-FINAL.**

Questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM

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Monday through Friday at 703-306-5844. If examiner cannot be reached, the superior,
Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

September 18, 2004



DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER